

ORIGINAL



0000019210

COMMISSIONERS
JEFF HATCH-MILLER - Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

BRIAN C. McNEIL
EXECUTIVE SECRETARY



M/

SECURITIES DIVISION
1300 West Washington, Third Floor
Phoenix, AZ 85007
TELEPHONE: (602) 542-4242
FAX: (602) 594-7470
E-MAIL: securitiesdiv@azcc.gov

06

ARIZONA CORPORATION COMMISSION

May 3, 2005

*Via Facsimile &
First Class Mail*

Paul J. Roshka, Jr., Esq.
Roshka Heyman & DeWulf, PLC
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004

Arizona Corporation Commission

DOCKETED

MAY 03 2005

DOCKETED BY

AZ CORP COMMISSION
DOCUMENT CONTROL

2005 MAY -3 A 11:40

RECEIVED

Re: Document production in the matter of Yucatan Resorts, et al.
(Docket No. S-03539A-03-0000)

Dear Mr. Roshka:

I am writing in response to your April 19, 2005 correspondence, wherein you inquired about the Securities Division's disclosure of various documents and records. At this point, I believe you have received much of the documentation referenced in your letter; additional materials will be provided in short order.

With respect to the questionnaires and Erin Harmon's subpoena, I am informed that you received these documents several days ago. Concerning the letter "written as a result of Mr. Ballinger's cooperation," this document has not been drafted and hence cannot be produced. Moreover, I see nothing in the record indicating that the ALJ in this matter ordered the production of this letter upon its completion.

You also requested that we confirm that you now have copies of all documents that our financial experts "reviewed and relied upon in connection with the opinions they will render." As a preliminary matter, I believe that statement mischaracterizes what the Securities Division initially volunteered and was later directed to make available to respondents' counsel. What became incumbent on the Securities Division was to make available for your inspection *those documents underlying the financial analysis* of our experts.

What we subsequently made available for your copying service includes all documentation underlying the financial analysis of Securities Division forensic accountant Marcia Taplin and, to the best of our knowledge, NW3C financial analyst Kelly Slazyk. If there are additional documents underlying the analysis of Ms. Slazyk that have yet to be produced, we

Mr. Paul Roshka, Jr., Esq.

May 3, 2005

Page 2

will notify you of these additional materials and make them available for your inspection immediately. We do not anticipate such a development, but we will make sure that supplemental productions, if any, will be made by the end of this month.

As a final matter, the resumes for the two forensic accounting/financial analyst experts that will be testifying in this hearing should be provided to you within the next two weeks. If you have any questions, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "J. B. Palfai", with a stylized flourish at the end.

Jamie B. Palfai, Esq.
Enforcement Section
Arizona Securities Division

cc: Marc E. Stern (*via hand-delivery*)
Joel Held (*via fax/mail*)